

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**SUSIE GUTIERREZ,**

**Plaintiff,**

**v.**

**No. 21-cv-1035 JCH/SMV**

**FABIAN ORNELAS and  
CHEVRON U.S.A., INC.,**

**Defendants.**

**ORDER ADOPTING MAGISTRATE JUDGE’S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition (“PF&RD”) [Doc. 22], issued on July 15, 2022. The Honorable Stephan M. Vidmar, United States Magistrate Judge, found that the record did not show, by a preponderance of the evidence, that Defendant Ornelas’s citizenship was different from Plaintiff’s when Plaintiff filed the Complaint and when Defendant Chevron filed its Notice of Removal. *Id.* Such a showing is required to establish this Court’s subject-matter jurisdiction under 28 U.S.C. § 1332(a). Accordingly, Judge Vidmar recommended this matter be remanded to the Fourth Judicial District Court for the State of New Mexico for lack of subject-matter jurisdiction. No party objected to the PF&RD,<sup>1</sup> and the time for doing so has passed.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the Magistrate Judge’s Proposed Findings and Recommended Disposition [Doc. 22] be **ADOPTED**;

---

<sup>1</sup> Defendant Chevron filed a “Notice of Clarification” on July 20, 2022, explaining that Defendant Ornelas had not been an employee since August 16, 2018. [Doc. 24]. This is clarification does not have any material bearing on the PF&RD.

Defendant Chevron's request for leave to conduct jurisdictional discovery be **DENIED**; and this matter be **REMANDED** to the Fourth Judicial District Court for the State of New Mexico for lack of subject-matter jurisdiction..

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
SENIOR UNITED STATES DISTRICT JUDGE